

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Ben Gary Treistman,

Plaintiff,

-against-

Anthony McGinty, *et al.*,

Defendants.

**ATTORNEY
DECLARATION**

16-CV-1403

GLS/CFH

Mark G. Mitchell, on the date noted below and pursuant to § 1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General in the office of ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, attorney for Defendants the Honorable Anthony McGinty, the New York Family Court System, and Donna Weiner in the above-captioned action. I am an attorney duly admitted to practice before this Court and am fully familiar with the proceedings had herein.

2. I make this Declaration in support of those Defendants' motion to dismiss pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure.

3. Attached hereto as **Exhibit A** are copies of Ulster County Family Court's Order of Custody and Visitation, dated May 9, 2016, as well as Plaintiff's Notice of Appeal.

WHEREFORE, moving Defendants request an order granting their motion to dismiss the Complaint in its entirety and with prejudice.

Dated: February 3, 2017
Albany, New York

s/ Mark G. Mitchell

Mark G. Mitchell
Assistant Attorney General, of Counsel
Bar Roll No. 516818
Telephone: 518-776-2583
Fax: 518-915-7738
Mark.Mitchell@ag.ny.gov